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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 5 February 1990, at 10.30 a.m.

Chairman: Mrs. QUISUMBING (Philippines)

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The meeting was called to order at 11 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1990/3, 4 and 59; A/44/352 and A/44/599)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1990/10, 11 and 58; E/CN.4/1990/NGO/4 and 8; and A/44/526)

1. Mr. VARGAS (Observer for Nicaragua), speaking in exercise of the right of reply, said that it was not true that a Nicaraguan citizen had been captured in Panama while assisting the Noriega Government. The representative of Panama had been misinformed by the United States occupation forces. What had actually happened was far more serious. A peaceful Nicaraguan citizen had been murdered by United States forces as he left his hotel, and other Nicaraguans - small shopkeepers who had been trying to do some Christmas shopping - had been captured illegally. None of the Nicaraguans had expressed satisfaction with the treatment they had received at the hands of the occupation forces, or approval of the intervention.

2. With regard to the other points made by the representative of Panama, he had rarely witnessed a similar attempt to justify the unjustifiable. To justify the United States aggression, which had been condemned in all international forums, and the massacre of one's own people by foreign interventionist forces, constituted treason to the fatherland. Moreover, the Panamanian representative's explanation of Article 1, paragraph 2 of the Charter showed a misunderstanding of international law.

3. Self-determination was universally recognized as the basic principle of modern international law and as an obligation which must be strictly observed by the international community. Self-determination was also a prerequisite for the exercise of human rights. He questioned whether an occupied Government had the authority to talk about respecting human rights and fundamental freedoms, if it did not have the armed strength to defend them. Self-determination meant the sovereign equality of all States and non-interference in the internal affairs of other States, in contrast to what the United States of America was currently doing in Panama.

4. The representative of Panama had also stated that the United States military intervention had met with the approval of 92 per cent of the Panamanian people. He wondered who the survey respondents had been. Undoubtedly, they had not included the residents of the poor quarters of Panama City - where the interventionist forces had crushed the Panamanian people - or those who were in concentration camps.

5. Mrs. CARMENATE (Cuba), speaking in exercise of the right of reply, said that she recalled having seen a logotype showing a small dog listening to a gramophone, and bearing the inscription "His Master's Voice". At recent meetings, her delegation had replied to the master and had not deemed it necessary to respond to the servant.

6. Mr. VALLADARES (United States of America), speaking in exercise of the right of reply, said that, at the previous meeting, for the first time in many years, he had listened to a genuine representative of the Panamanian people.

Dictators could never represent the people whom they humiliated and prevented from exercising their right to self-determination. As the events in Eastern Europe had demonstrated, dictators were currently on the defensive, and those that were represented at the current meeting should be packing their bags.

7. The arguments and facts with which everyone was familiar made it impossible to maintain the notion that there was a problem of self-determination in Panama. No one could deny that free and legal elections had been held in May 1989 and that, as confirmed by the international press and observers present at the time, General Noriega had nullified the elections by force. The representatives of Nicaragua, China and Cuba could not deny that the current Panamanian Government consisted of persons who had been elected by the people the previous year.

8. However, the subject of Panama was being used by those delegations to attack his Government. It was strange to see concern for self-determination voiced by the representatives of dictatorships which had never allowed their own people to exercise self-determination. The representative of Cuba had, as usual, resorted to personal attacks, which he hoped would not be tolerated in the future.

9. An accusation had been made concerning the alleged existence of concentration camps in Panama. He did not dispute the recognized expertise of the Cuban Government in the establishment and administration of concentration camps, a matter of which he had personal knowledge.

10. Mr. RUKNUDDIN (Pakistan), speaking in exercise of the right of reply, said that the representative of India had made some odd allegations concerning Pakistani interference in the current uprising in Jammu and Kashmir. His Government had repeatedly denied such allegations, which had not been supported by a single shred of evidence.

11. The representative of India had also stated that the people of Jammu and Kashmir had already exercised their right to self-determination, and had cited the case of the so-called "elections" which had taken place in the territory since 1947, under the watchful eye of the Indian army. If the people of Jammu and Kashmir had already exercised their right to self-determination, he wondered why they had repeatedly risen up against Indian domination and oppression.

12. He did not intend to enter into an ever-widening spiral of allegations and counter-allegations with the Indian delegation on a subject which had been thoroughly debated during the previous 43 years, with such unfortunate consequences for both countries. But the Commission, which was in many ways the conscience of the world, could not fail to take note of the struggle of the people of Jammu and Kashmir, their just aspirations, which had been duly recognized by the United Nations, and their judgement, clearly demonstrated in recent weeks, that their right to self-determination had been denied them.

13. He also wished to point out the totally unconvincing nature of the Indian effort to divert attention from its military action against an indigenous Kashmiri uprising through a campaign of baseless allegations against Pakistan. Various international media had all rejected the Indian allegations concerning foreign involvement in the current uprising and Indian efforts to pass the uprising off as a local terrorist problem.

14. The equally futile Indian attempt to convey the impression that Jammu and Kashmir formed an integral part of India, and that Pakistan therefore had no status in the dispute, could not change the facts. The reality was that the Kashmir dispute existed and that his country was a party to the dispute. His statement was supported by United Nations Security Council resolutions calling for a plebiscite under United Nations auspices, a plebiscite to which India had agreed, but which it had subsequently opposed and prevented.

15. The Simla Agreement of 1972 beween India and Pakistan had also recognized that a final settlement of the dispute was still to come. His country had deep cultural and spiritual ties with the Kashmiri people, and therefore could not remain oblivious to their trials and tribulations. While it could not renounce its principles or barter away the basic rights of the Kashmiri people, including the fundamental right to self-determination, it remained committed to the Simla Agreement and to seeking a peaceful resolution of the dispute.

16. Ms. WIJONO (Observer for Indonesia), speaking in exercise of the right of reply, said that she regretted having to engage in irrelevant disputes initiated by the Portuguese delegation on the subject of East Timor. In order to obtain a complete picture of the decolonization process in that country, it was necessary to look at the overall historical context. After more than four centuries of Portuguese colonization of East Timor, there had not been the slightest attempt to provide a solid governmental and administrative infrastructure. When relinquishing its responsibility in 1975, Portugal had left behind few facilities for the population. In addition, the civil war of Portuguese creation had claimed the lives of thousands.

17. By its abandonment of the territory, Portugal had forfeited any moral and legal rights with regard to East Timor. She wondered why Portugal was pretending to champion the right to self-determination of a territory in which it claimed to have no interest. It was difficult to understand Portugal's genuine intention in that regard, particularly in view of its reference to General Assembly resolution 1514 (XV), in which its ambivalent position was well documented.

18. Unlike Portugal, her country had, from the outset, favoured United Nations involvement in the decolonization process in East Timor. It should be stressed, however, that, according to General Assembly resolution 1541 (XV), while United Nations participation in the process of integrating East Timor into Indonesia was laudable, it was not mandatory.

19. What her Government had done had not only contributed to the completion of the decolonization process, but had also promoted the enjoyment of human rights by the people of East Timor. The achievements of East Timor in all areas of development during the previous 14 years were clear evidence of the enjoyment of such rights.

20. Recent international press reports had testified that Indonesia had done more for the people of East Timor since 1976 than Portugal had done in four centuries. The improvement in the quality of life, given the backwardness which had resulted from 400 years of colonization, was indeed the primary interest of the population.

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21. Mr. VARGAS (Observer for Nicaragua), speaking in exercise of the right of reply, invited the representative of the United States of America, who had become an American citizen, to read the Amnesty International report on his new country, which stated that mentally incompetent persons were executed in the United States of America, and that blacks who killed whites were far more likely to be executed than whites who killed blacks. He also wished to know the views of the United States representative concerning General Noriega's former relations with the United States Government. He recalled that General Noriega had been an ally of the United States of America and an operative of the Central Intelligence Agency.

22. The issue of concentration camps was not his delegation's invention. He was in possession of a letter from a Panamanian citizen stating that prisoners had been placed in concentration camps, ill-treated and exposed to torture, without their families knowing of their whereabouts or having access to them.

23. He also reminded the representative of the United States of America that Nicaragua had organized elections in 1984 whose validity had been confirmed by the many observers present. Elections would again be held on 25 February 1990, with the participation of 10 presidential candidates, representing 22 political parties. Those elections would be among the most closely supervised in history, since there would be observers present from the United Nations, the Organization of American States and the United States Government, as well as private individuals such as former President Carter.

24. Mr. NOORANI (India), speaking in exercise of the right of reply, said that his delegation had already responded to the statement made by the representative of Pakistan. Jammu and Kashmir formed an integral part of India. The Commission's time should not be wasted in discussing extraneous issues.

25. Mrs. CARMENATE (Cuba), speaking in exercise of the right of reply, said that the statement by the United States representative illustrated the axiom that the repetition of a lie helped to make it look like the truth. The United States representative had made no comment on the recent attack by a United States warship on a small Cuban vessel.

26. With regard to the reference to dictatorships made by the United States representative, it should not be forgotten that he had been a close collaborator of the former Batista régime in her country, as many representatives undoubtedly knew. Moreover, if the United States representative's allegations concerning ill-treatment at the hands of the Cuban Government were true, he certainly would not be present at the current meeting.

27. Mr. RUKNUDDIN (Pakistan), speaking in exercise of the right of reply, asked, with regard to the statement made by the representative of India, whether the Commission was to understand that India denied the existence of the Kashmiri dispute or the continuing validity of the United Nations resolutions calling for a plebiscite in Jammu and Kashmir. Statements by Mr. Nehru, the former Indian Prime Minister, and resolutions of the United Nations Security Council had all reaffirmed the principle that the final disposition of the territory should be made in accordance with the will of the people as expressed democratically in a free and impartial plebiscite under the auspices of the United Nations.

28. Despite those solemn assurances, however, the Indian Government had failed to honour its undertaking and had proceeded to incorporate the disputed territory into India. The passage of time could not nullify any of the United Nations resolutions on the subject, rob the people of Jammu and Kashmir of their right to self-determination or dilute the moral principles underlying that right.

29. Mr. JOHNSON (United States of America), speaking in exercise of the right of reply, said that the Commission should maintain a certain level of decorum. It was inappropriate for speakers to make personal attacks on individual members of delegations, and it was to be hoped that they would refrain from doing so in the future. Furthermore, it was established practice in the Commission to refer to delegations by their proper names.

30. Mr. BERNALES BALLESTEROS (Special Rapporteur on the question of mercenaries), introducing his Report on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (E/CN.4/1990/11), said that it was based on information and opinions provided directly by Member States, the organs and specialized agencies of the United Nations system and non-governmental organizations. Other sources of information had been visits, field work and interviews.

31. Three important points had emerged: firstly, the international community was aware of the adverse impact on peace and security of mercenary activities, condemned them energetically and was alive to the need to combat them; secondly, such activities in specific regional conflicts tended to diminish as a function of the decline or settlement of the conflicts in question; and, thirdly, mercenary activities unfortunately had not yet disappeared, but were increasing, albeit in various disguised forms, and continued to violate the right to self-determination of peoples and the sovereignty of States.

32. The last point was linked to the existence of a pool of available individuals who, for reasons relating to their military experience, ideological persuasion, thirst for adventure, style of life or financial motivation, were prepared to offer their services for illicit mercenary activities, but it was also related to destabilizing forces that resorted to the recruitment, training and use of mercenaries to violate the right to self-determination or to interfere in situations involving domestic conflict.

33. It was important to focus on the vulnerability of small States, particularly archipelagic States, when their geographical position placed them close to areas of acute conflict, or when they were of strategic importance to the interests of third parties involved in activities relating to the political, military or economic control of the area which had been or was intended to be placed under their influence. Examples of such mercenary activities had been found in Benin, Seychelles and, more recently, Maldives and the Comoros, which had suffered attacks by mercenary bands that had jeopardized their sovereignty and self-determination, as well as their constitutional stability and the human rights of their peoples.

34. It was therefore necessary to prevent mercenary activities in various parts of the world and such activities which, while appearing to be simply common-law offences, were actually mercenary operations. The General Assembly had taken an important step by adopting, on 4 December 1989, the International Convention Against the Recruitment, Use, Financing and Training of Mercenaries,

which broadened the scope and definition of the term "mercenary" and stipulated the conditions under which mercenary acts and the deliberate encouragement of mercenary activities would be punished. It was thus an important instrument with which Member States should align their national legislation and which they should sign as soon as possible.

35. The Commission might wish to consider what machinery might be established to permit effective monitoring of reports of and allegations regarding mercenary activities.

36. Progress made in 1989 towards achieving peace between Angola and South Africa and the independence of Namibia had led to a decline in mercenary activities in that part of southern Africa. The military conflict within Angola still continued, however, and there was still a danger that mercenary activities might continue to be carried out by groups or individuals in the employ of UNITA. The Special Rapporteur's second report (A/43/735, annex) had referred extensively to that point and had stressed the need to support all measures conducive to domestic peace and true national reconciliation in Angola.

37. Africa had continue to be the victim of mercenary operations; the report gave a detailed account of one such aggression, which had taken place in the Comoros in November 1989, the mercenaries having subsequently withdrawn to South Africa (paras. 128-132). A thorough investigation must be made of the case, and he had therefore sent out requests for full and detailed information on the matter.

38. The report also described the capture and trial of mercenary groups involved in an invasion of Maldives in November 1988 and reflected the concern expressed by the Maldivian authorities about that country's vulnerability and the risk of being exposed to situations that affected its sovereignty and self-determination (paras. 119-121).

39. Considerable attention had been devoted to the conflict in Central America (paras. 133-156): the work included a visit to the United States, a request for updated information from the Governments of Nicaragua and Honduras, and a follow-up of the continued efforts of the Central American presidents to resolve the conflict through negotiation and in application of the Esquipulas II, Alajuela, Costa del Sol, Tela and San Isidro de Coronado agreements.

40. The evidence gathered showed that the armed actions carried out in Nicaragua had caused objective harm to the country's sovereignty, territory and economy, a state of affairs brought about in part by external interference to help one of the parties to the conflict. Mercenaries had been recruited and used in covert operations that ignored and exceeded the legal authorizations by the United States Congress and authorities for aid to the Nicaraguan resistance. The information received and investigations conducted provided convincing evidence on the presence of mercenaries of various nationalities actively involved in operations against Nicaragua.

41. Notwithstanding the significant drop in such armed activities, the reports received in the course of 1989 indicated isolated acts against Nicaraguans and the country's infrastructure. Generally speaking, the

Central American leaders had demonstrated a willingness to pursue the peace and democratization process throughout the region and to bring about demobilization, repatriation, democracy and peace without delay in accordance with Esquipulas II and the subsequent agreements.

42. The United Nations was contributing to those endeavours through its Observer Group in Central America (ONUCA) and the International Support and Verification Commission (CIAV). Member States must support all initiatives that would lead to peace, democracy and development throughout the Central American region, thereby reinforcing respect for the self-determination and sovereignty of those countries. That would put an end to the mercenary activities fuelling the conflict.

43. With regard to Colombia, the grave acts of violence affecting that country had been primarily the work of drug-trafficking rings that employed paramilitary groups trained and led by mercenaries hired especially for the purpose. Colombia was a country that had been the victim of a criminal link between drug-traffickers and mercenaries. The murders, kidnappings and acts of sabotage had led to an energetic reaction by the Colombian Government and condemnation by international public-opinion.

44. According to information received, mercenaries of Israeli nationality recruited by the Medellín Cartel were involved in dreadful criminal acts, while members of ETA, the Basque separatist organization, recruited as mercenaries by the Cali Cartel, were also involved in serious criminal attacks.

45. The Commission must condemn such criminal activities and should offer the Government of Colombia its assistance in eliminating them, because they affected the lives of the Colombians and the sovereignty and constitutional stability of that country. That would reaffirm the unrelenting determination of the Commission to contribute wherever it could to ensuring respect for the self-determination of peoples and the defence of human rights.

46. Mr. ASADI (Observer for the Islamic Republic of Iran) said that the reports of the Special Committee (A/44/352 and A/44/599) provided extensive proof of systematic human rights violations by the occupying Power in the occupied territories and noted an escalation of repressive measures. Cases had even been cited in which a mosque had been set on fire, holy books burnt and other sacrilegious acts committed. The intransigence of the occupying Power was such that even its traditional supporters had called upon it to exercise restraint. But while such supporters feigned sympathy for the Palestinian people and pretended to denounce Tel Aviv, their economic, military and political backing continued unabated, thereby enabling the occupying Power to continue its human rights violations with impunity. Nevertheless, the glorious struggle of the Palestinian people, like that of David against Goliath, would be victorious in the end.

47. Concerning agenda item 9, the right to self-determination was a prerequisite to the enjoyment of other human rights, and as long as Palestine remained occupied, it was impossible to ensure enjoyment of civil, political, economic and cultural rights. That also applied to other areas under colonial or alien domination or foreign occupation. In that context, military intervention ostensibly carried out in support of the right to self-determination must be condemned as a violation of international law.

48. Mr. MAHIGA (Observer for the United Republic of Tanzania) said that a newly disturbing feature of the long-standing issue of Palestinian rights was that, at a time when the cause of human rights in the world was advancing, human rights violations in Palestine and other occupied territories by the Israeli authorities were escalating, thus undermining prospects for peace in the region when the opportunity for initiatives should never have been better.

49. The root cause of the problem was the persistent denial of the Palestinians' rights to self-determination and to an independent homeland, contrary to General Assembly resolution 181 (II). Israel had progressively introduced administrative machinery which systematically denied those rights, contrary to the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) and to The Hague Convention of 1906. Israel's policies, including the increase in Jewish settlements, were clearly aimed at annexing the occupied territories; only the previous week, the Secretary-General had expressed concern about the so-called "security belt" in South Lebanon, which was impeding UNIFIL's peace-keeping role.

50. The Special Committee's reports (A/44/352 and 599) confirmed the growing Israeli repression and the deterioration in respect for human rights in the occupied territories. The incomprehensible brutality and injustice witnessed by the whole world on television was but one aspect of the Israeli authorities' administrative, legislative and judicial repression.

51. When, however, an oppressed people reached the stage of defiance represented by the intifadah, the time had come to recognize that further force could only be counterproductive and that a negotiated political settlement was needed. Tanzania would support an international conference for that purpose, under United Nations auspices, involving all the parties concerned, including the permanent members of the Security Council.

52. Israel's persistent refusal to accept the Palestine Liberation Organization (PLO) in the peace process was unfortunate and short-sighted. The PLO's Algiers Declaration of November 1988 and subsequent clarifications at Stockholm and Geneva, its recognition of the State of Israel's existence and its acceptance of Security Council resolutions 242 (1967) and 338 (1973) meant that to ignore the PLO was to short-circuit the peace process.

53. A comprehensive, just and durable solution to the Middle East problem must be based on the restoration of and respect for the human rights and freedom of the peoples in the occupied territories, including Palestine.

54. The right of all peoples to self-determination was a prerequisite to the exercise of all other human rights. His Government supported all attempts to exercise that right by peoples still under colonial domination and foreign occupation. It thus welcomed Namibia's move to the threshold of independence and wished the Secretary-General every success in his efforts to secure similar progress for the people of Western Sahara.

55. Mr. MacDERMOT (International Commission of Jurists) said that the United States had sought to justify its military intervention in Panama in December 1989 on the grounds of exercising its inherent right of self-defence and its right to intervene pursuant to the treaties regulating operation of the Panama Canal. Neither assertion withstood scrutiny.

56. Self-defence had been claimed firstly on the grounds that the Panama National Assembly had declared war on the United States on 15 December 1989. The United States Secretary of State had asserted that the United States, under international law, had an inherent right of self-defence, recognized in Article 51 of the Charter and Article 21 of the Charter of the Organization of American States, relating to the defence of United States nationals, installations and military personnel.

57. The articles cited did not have the effect he had claimed. Under the Charter, States must settle disputes by peaceful means and not use force against the territorial integrity or political independence of other States; Article 51 recognized that force might be used in self-defence if an armed attack occurred against a Member of the United Nations, but there had been no such attack.

58. The Charter of the Organization of American States, to which Panama and the United States were parties, was even more categorical in declaring that no State or group of States had the right to intervene, directly or indirectly, for any reasons whatever, in the internal or external affairs of any other State, and that the territory of a State was inviolable and might not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever.

59. Panama had not declared war on the United States. A declaration of war was a communication by one State to another that it considered the two to be at war; the relevant resolution of the Panama National Assembly declared that the Republic of Panama was in a state of war while there was aggression against the people of Panama from the United States of America. In so declaring, Panama was asserting a position supported by the OAS Charter.

60. As for the argument that the shooting of a United States soldier on 16 December 1989 was an attack on the United States, the killing of an off-duty marine at a Panamanian Defence Forces checkpoint and the beating of another, while deplorable, could hardly be considered an "armed attack on the United States"; even if the United States version of the event were accepted. Moreover, Panamanian Defence Force officials had told United States officials that the killing had not been intended. In any event, the United States response had ignored the principle of proportionality. President Bush's claim that General Noriega "had publicly threatened the lives of Americans in Panama" was also insufficient to justify an invasion. Self-defence required an attack. Planning an attack was insufficient, let alone threatening an attack.

61. As to the United States claims under the Panama Canal treaties, Panama had never violated its obligation to permit unimpeded operation of the Canal and there was no evidence of a danger that the Panamanian Government would close the canal. Even a violation of Panama's obligations would not give the United States the right of military intervention; the "statement of understanding" signed by the then President Carter stated that the United States' right to defend the Canal's neutrality did not mean, nor should be interpreted as, the right of intervention of the United States in the internal affairs of Panama, and that any United States action would be directed at ensuring that the Canal would remain open, secure and accessible, and should never be directed against Panama's territorial integrity or political independence.

62. It was of the greatest importance that the United Nations reassert clearly the limitations of the right to self-defence; friends of the United States had been worried for some time by its interpretation of that right in a series of cases such as the invasion of Grenada in 1983, the diversion of an Egyptian aircraft over international waters in 1985 and the bombing of Libya in 1986, actions which could adversely affect the adherence of States to their obligations under the Charter and other international treaties and the promotion of respect for the rule of law, including the principles of international law.

63. Of the 11 countries, mentioned by the United States representative, in which democracy had been achieved, all except Panama had achieved freedom by their own efforts; it was perhaps premature to include Panama in the list until the United States forces were withdrawn and free elections held. The OAS had meanwhile condemned United States intervention in Panama, presumably for fear lest its flouting of international law might serve as a dangerous precedent.

64. Mr. TOPGYAL (International Federation of Human Rights) said that all peoples, particularly those under colonial or alien domination, had the right to self-determination, as defined in the Charter and other major international instruments. During the past year, peaceful demonstrations in Tibet for freedom and self-determination, and an end to human rights abuses, had been met with brutal repression by Chinese security forces, and the capital had been under martial law since March 1989. For printing and distributing a declaration, drafted by courageous Tibetans inside Tibet, on secular and religious freedom through the exercise of self-determination, Ngawang Buchung and Ngawang Oser had been sentenced to 19 and 17 years in jail respectively.

65. For the past 40 years, Tibetans had resisted, by non-violent means and at great cost to themselves, foreign domination and all attempts by the Chinese Government to absorb Tibet into a "greater China". As a direct result of Chinese occupation, over 1.2 million Tibetans, one in five, had died, and far larger numbers had been imprisoned. China maintained control with the help of at least 250,000 troops stationed throughout Tibet; it claimed to be "developing" the country, but the quantities of minerals and timber taken away to China made the action look more like exploitation.

66. Tibetans and the international community, including consecutive Chinese Governments, had always considered Tibetans to be a distinct people. Tibetans had a unique way of life, a separate language and a rich cultural and religious tradition dating back well over 1,000 years. The Chinese had not inhabited Tibet before 1949, and to describe the Tibetan people as a "minority nationality of China" was incorrect and inconsistent even with China's own historical record. No Tibetans had ever regarded their country as part of China or themselves as Chinese. The People's Republic of China, while consistently endorsing the right to self-determination, deemed any reference to Tibet an interference in China's internal affairs.

67. He invited the many members of the Commission who represented nations which had not long ago been struggling to throw off the yoke of oppression to recollect the suffering they had undergone before attaining self-determination. His organization, in its written submission (E/CN.4/1990/NGO/8), urged the Commission to appoint a special rapporteur to investigate the human rights situation in Tibet.

68. Mr. LESTOURNEAUD (International Federation of Human Rights) said that 25 million Kurds, the heirs to one of the Middle East's most ancient cultures, were still denied the right to self-determination. Although the Treaty of Sèvres of 1920 recognized the Kurdish people's right to establish its own State on part of its ancestral homeland, it had been replaced, in June 1923, by the Treaty of Lausanne, under which the Kurdish nation had been divided among four Middle Eastern States, contrary to the people's wishes.

69. For the four million Kurds in Iraq, the right to self-determination meant freedom to regain ancestral land, rebuild the villages which were regularly razed and re-establish the dismantled agricultural economy. They were campaigning courageously for the granting of genuine political and cultural autonomy within Iraq by means of a referendum under United Nations auspices.

70. The 8 million Kurds in the Islamic Republic of Iran had been seeking since 1979 to obtain regional autonomy as part of a democratic Iran. But during an attempt at negotiation, their leader, Dr. Abdul Rahman Ghassemlou, and two of his colleagues had been assassinated in Vienna in July 1989. That was the main reason why the Iranian Kurds wished all discussions and negotiations to take place under United Nations supervision.

71. The 12 million Kurds in Turkey, too, desired self-determination, but the Ankara authorities denied their very existence. Turkey, as a party to the Charter, the Final Act of the Conference on Security and Co-operation in Europe and many international instruments which guaranteed the right of people to self-determination, owed it to the international community as a whole to honour its commitments. The same situation applied in the Syrian Arab Republic, which denied the existence of over a million Kurds and regularly violated their cultural and other rights.

72. His organization requested the Commission to adopt a resolution calling on the States concerned to take all necessary steps, pursuant to their commitments, to enable the Kurdish people to exercise its right to self-determination.

73. Ms. GRAF (International League for the Rights and Liberation of Peoples), said with reference to the situation of the Eritrean people, that her delegation welcomed the initiative, promoted through the good offices of the former United States President Jimmy Carter, which had brought the Eritrean and Ethiopian representatives together at Atlanta in September 1989 and at Nairobi in November 1989. However, substantive peace talks had not yet begun and the eetings had dealt merely with preliminary procedural matters.

74. The positive attitude of the EPLF towards such negotiations was clearly evident in the document entitled "Goodwill" announced on 11 September 1989. Among the items it indicated as demonstrations of goodwill were the following: agreeing on the free flow of news and information with a view to enabling the public to know the truth and protect them from disinformation so that they could play an effective role in the peace process; guaranteeing the basic human and political rights of the people as a prerequisite for their constructive participation in any political process; allowing relief activities to be conducted without any restriction; and prohibiting the destruction of development and social services facilities such as schools, hospitals and transportation.

75. The EPLF, which had always respected the Geneva Conventions, had released on 31 December 1989 more than 10,000 prisoners of war. It should be noted that that was not the first time that the EPLF had unilaterally released Ethiopian prisoners.

76. It was difficult to believe in the good intentions of the Ethiopian régime which had not refrained from resorting to manipulation in order to obstruct the participation of the United Nations as an observer, although in the document signed by both parties at Nairobi, both sides had agreed to such participation. It was also difficult to believe that the régime was committed to a just and peaceful settlement in view of reports of military manoeuvres accompanied by the shipment of weapons and raw material along the shores of the Red Sea, especially along the Eritrean coastline north of the port of Massawa.

77. Referring to the increasing food crisis, she said that the Ethiopian régime seemed to be using the drought afflecting the region for its own political ends by preventing the relief agencies from distributing food to millions of people facing starvation.

78. Ethiopia continued to ignore the legitimate aspirations of the Eritrean people to self-determination. By General Assembly resolution 390 (V), the United Nations had recognized Eritrea but had unjustly imposed a federal arrangement with Ethiopia. The unilateral abrogation of that arrangement by Haile Selassie, contrary to the terms of the resolution, did not nullify Eritrea's sovereignty. Various subsequent resolutions of the General Assembly, in particular resolution 1514 (XV) and 2625 (XXV), supported Eritrea's claim for self-determination. The United Nations therefore had a prime responsibility to resolve the question either by treating it as an ordinary decolonization matter or considering it under another procedure based on the peace treaty of 1947. In any event, it was the duty of the United Nations to serve as an observer in the forthcoming peace talks.

79. Her organization appealed once again to the international community and, in particular to the Organization of African Unity, to undertake every possible good offices action to support a just and peaceful settlement of the conflict.

80. Mr. van WALT (Pax Christi International) said that the past year had seen progress in the implementation of the right to self-determination of peoples, for example in Namibia and Eastern Europe.

81. Self-determination was both a fundamental human right and an essential prerequisite for the full enjoyment of all other rights. It belonged to a people and therefore to each individual member of that people. Therefore, the right to self-determination could not be defined only in terms of group rights. Violation of the right to self-determination was a crime under international law, and States were not only under a legal obligation to recognize that right but also to respect and promote it and to assist peoples in its realization.

82. While positive changes were taking place in some parts of the world, human rights, and in particular the right to self-determination, were still being violated by too many Governments. As a result, the peoples of Tibet,

East Timor, Albanians in the Kosovo region of Yugoslavia, Palestinians and many others were deprived of their right to determine their own destiny. In his organization's opinion, insufficient attention was being given by the United Nations and its Members to the plight of those peoples.

83. With regard to the violation of the Tibetan people's right to self-determination, he said that Tibet had had a long history of independent Statehood before its invasion by the Chinese in 1949-1950. The fact that China had continued to occupy and control Tibet for the past 40 years could not validate the illegal occupation or annexation of that country.

84. The Tibetans met all the criteria for peoplehood. It was significant that China's claim to Tibet was based solely on imperialistic claims of past centuries. Legal incorporation of Tibet into the People's Republic of China could occur only through an act of free will of the Tibetan people.

85. China's policies in Tibet, in particular the transfer of millions of Chinese settlers into that country in violation of the Fourth Geneva Convention threatened the cultural, religious and national identity of the Tibetan people. Reports of detention, torture and even killing of Tibetans whose only "crime" was to call for an end to the oppressive foreign domination and the exercise of their legally guaranteed right to self-determination, continued to reach the outside world, despite the closing of the country under martial law.

86. The Commission should address the serious problem of human rights violations in occupied Tibet without delay. He called on all Members of the United Nations to fulfil their obligation under international law to recognize and promote the right of the Tibetan people to self-determination. As for the Commission itself, it should appoint a special rapporteur to study and report to the General Assembly on the situation in Tibet and take other effective measures to ensure the cessation of the practices which deprived the Tibetan people of their fundamental human rights and freedoms.

87. Mr. VELASQUEZ (Panama), speaking in exercise of the right of reply, said that the description, by the representative of Cuba and the observer for Nicaragua, of the current Panamanian authorities as traitors was utterly groundless. It was ironic, too, how the supposed concern voiced by the representatives of two dictatorships contrasted with the reaction of the then President of Costa Rica, who had conveyed his congratulations and good wishes to President Endara.

88. As for the so-called terror waged against the supporters of the toppled régime in Panama, the new authorities had visited the detention camps set up, where conditions had been found to conform to the relevant Geneva Conventions: the detainees were receiving humane treatment, including ample nourishment and medical attention and even religious services for various denominations. The camps in question had since been dismantled, but anyone who wished to do so was free to make inspection visits; in fact, the Panamanian Human Rights Committee had already invited the Inter-American Commission on Human Rights to do so.

89. It was hard to see, therefore, how allegations about thousands of deaths and cases of torture could be substantiated.

90. Miss CHAALAN (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said that she had been surprised at the comments made by the representative of the International Federation of Human Rights concerning the situation of the Kurds in Syria. She wished to make it clear that they were fully integrated into Syrian society and enjoyed their rights just like all other Syrians. There was no Kurdish problem in her country.

91. Mr. NGO Hac Team (Observer for Democratic Kampuchea) said that his delegation wished to draw attention to the declaration by the President of his country on 3 February 1990 to the effect that Democratic Kampuchea, a Member of the United Nations, was henceforth to be called Cambodia and that the national flag was no longer the Pol Pot-Khmer Rouge red flag but the centuries-old traditional Cambodian flag. Furthermore, the national anthem of Cambodia was to be the country's former anthem.

92. His official title as legal Head of State, and recognized as such by the United Nations, was "President of Cambodia". In conclusion, the President of Cambodia said that the country's political, economic and social régime was to be the same as that of the fifth French Republic.

93. Mr. RAIANI (International Organization for the Elimination of All Forms of Racial Discrimination) said that he wished, first of all, to refer to Eritrea, where Africa's longest war had claimed thousands of lives and produced more than a million refugees in a country with a total population of 3.5 million.

94. The Ethiopian régime had tried to subdue the Eritreans by starving them or crushing them under tanks. It was aided by foreigners, including Soviet experts and North Korean pilots. The Ethiopians were even using cluster bombs provided by the Israelis, a fact confirmed by an article in the New York Times of 21 January 1990 and also by former President Jimmy Carter.

95. By resolution 390 (V), the General Assembly had decided to federate Eritrea with Ethiopia but, in 1962, Ethiopia had unilaterally annexed the country, against the will of its people, without any reaction whatever from the United Nations. Thus, in his organization's view, the United Nations continued to be responsible for events in Eritrea and had a moral responsibility to right past wrongs by taking up the Eritrean issue again and respecting the Eritrean people's wish for self-determination.

96. Since before the establishment of the State of Israel, the movement for Jewish colonization of Palestine had been calling for the removal of the indigenous population from the land in a process still referred to as "cleansing the land". That principle still formed part of the ideological basis for current developments in the country, where the Israeli Government was endeavouring to eliminate from the land its own citizens of Palestinian origin.

97. A series of Ministry of the Interior commissions had formalized that policy in the recent past, culminating in a plan calling for the demolition of some 78 historic villages of the indigenous Palestinian citizens. It was known from previous colonial settler experiments that the destruction of the habitat of a land-based people resulted in a reduction in their number within

less than a generation. That eventuality could be seen only, as part of the official State plan for "cleansing" the land. According to Israeli law, the land would revert to State ownership, and another generation of the land's indigenous inhabitants would become landless.

98. Those citizens who were becoming refugees were forced to live in squalid conditions. They watched their property whittled away by the advance of forces calling for their further marginalization and elimination from the land.

99. Meanwhile the Israeli Government portrayed as a humanitarian programme its confiscation of their land and livelihood in order to give it to a select group of newly arriving foreigners from Europe. New and planned colonies for exclusive Jewish settlement were concentrating in the Galilee and in Wadi Arra, where the majority of Israel's Palestinian Arab citizens lived. Settlements actually straddled the "green line" and included in their territory lands legally belonging to the Palestinian residents of the West Bank. The current incremental process was indeed erasing the "green line".

100. That historic policy had recently been compounded by new legislation in the Knesset which would call for the closure of voluntary organizations and private social service projects which aided the victimized population. The State proposed to implement measures that would permit any low-ranking police officer to close down and confiscate the property of any institution operated by Palestinian Arab citizens as well as Palestinian institutions in occupied East Jerusalem on the premise that those institutions received "tainted" funds. Thus, providing clean water, nursery facilities, housing or legal aid was deemed to be a "terrorist" act.

101. The new legislation dramatized how "citizenship" for the 18 per cent of Palestinian Arabs in Israeli society constituted an inferior status. Full civil and human rights were conferred only upon those citizens - and a select group of foreigners - who enjoyed the superior status of "Jewish nationality". In Israel those who did not enjoy "nationality status" faced eventual removal and elimination from the land.

102. In conclusion, he called on the Commission to request the Israeli Government to put an end to its discriminatory policy against the original inhabitants of Palestine: the Palestinian people.

The meeting rose at 1.5 p.m.